IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL REVISION APPLICATION NO.51 OF 2006

Nanik Kotumal Tekchandani ..Petitioner
V/s.
The State of Maharashtra ..Respondent

Office Notes, Office Memoranda of Coram appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders

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Mr.Lalla i/by Lalla & Lalla for the petitioner.

Mrs.M.H.Mhatre, APP for the State.

Coram : R.S.Mohite,J

Date : 3.2.2006.

PC

1. Heard both sides. Rule. By consent, rule made returnable forthwith.

2. On perusing the record it is seen that the Additional Sessions Judge, Shri V.C.Singh who was hearing Criminal Appeal 3/2006 has merely referred to the submissions which have been made by the Advocate for the accused and has disposed of the appeal without giving any reason and merely by stating as under :-

. " Considering the entire material

on record and the arguments of learned Counsel, I am not at all convinced by his submission and therefore, on account of the aforesaid reason, appeal 3/2006 is dismissed."

3. Needless to say that the appellate court which is the last court of fact must give proper and cogent reasons which indicate application of mind. The impugned order passed by the appellate court indicates no application of mind and therefore, I am inclined to set aside the order dated 17.1.2006 passed by the Additional Sessions Judge in Criminal Appeal no.3/2006 and remand the matter back to the appellate Court for proper consideration in accordance with law. I am informed that the applicant was on bail pending the appeal. Since the matter has been remanded to the appellate Court, pending the hearing and final disposal of the appeal, the applicant may be continued on the same bail as in the trial Court subject to his furnishing fresh bond. Rule made absolute in the aforesaid terms.

(R.S.Mohite,J)